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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JENNIE QUAN, individually and as
successor in interest to BENJAMIN
CHIN, deceased,

Plaintiffs,

vs.

COUNTY OF LOS ANGELES;
MARISOL BARAJAS; HECTOR
VAZQUEZ; and DOES 3-10, inclusive,

Defendants.

Case No. 2:24-cv-04805-MCS-KS

Assigned to:

Hon Mark C. Scarsi

Hon. Mag. Judge Karen L. Stevenson

**PLAINTIFF'S STATEMENT OF
ADDITIONAL UNCONTROVERTED
FACTS**

Pursuant to Local Rules 56-1 and 56-2 and this Court's June 10, 2024 Initial Standing Order for Civil Cases Assigned to Judge Mark C. Scarsi, Plaintiff respectfully submits her Statement of Additional Uncontroverted Facts.

By _____ /s/ Hang D. Le

**PLAINTIFF'S STATEMENT OF ADDITIONAL UNCONTROVERTED
FACTS**

Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
<u>The Deputies Receive a Call for Service</u>	
94. Vazquez received a call for service regarding a male Asian, wearing a bullet proof vest, walking down the street with an assault-style rifle, and firing off rounds. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 52:12-18.	
95. Vazquez had information that the shots had been fired in the air. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 41:13-17.	
96. Vazquez also had information that someone had been stabbed but he did not know the severity of it. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 41:18-25.	
97. The only information that was transmitted over the radio that related the stabbing victim to the incident was that the victim was in the area where the person with the gun was. <i>Evidence:</i> Ex. 13 to Le Decl., Toves Dep. 20:1-16.	
98. Barajas started to panic when she heard the priority call. <i>Evidence:</i> Barajas Dep. 41:8-12.	

Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
<p>99. When Barajas heard that there was a stabbing victim and shots had been fired, she became extremely nervous and started to panic.</p> <p>Barajas Dep. 47:16-19.</p>	
<p>100. Neither Vazquez nor Barajas had ever seen Chin before the day of the incident.</p> <p><i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 77:8-10; Barajas Dep. 58:22-24.</p>	
<p>101. Neither Vazquez nor Barajas had any information regarding Chin's background, including any criminal history or any information as to whether Chin was under the influence of drugs or alcohol.</p> <p><i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 77:11-13, 77:14-19; Barajas Dep. 58:25-59:2.</p>	
<u>The Deputies Encounter Decedent</u>	
<p>102. When Vazquez encountered an Asian female, later identified as Plaintiff Jennie Quan, Vazquez saw blood on Plaintiff's hands but did not know the source of the blood.</p> <p><i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 42:14-43:5.</p>	
<p>103. When Vazquez was talking to Plaintiff, he could not tell whether or not she had been stabbed—he just saw blood.</p>	

1	Moving Party's Uncontroverted Facts	Opposing Party's Response to Cited
2	and Supporting Evidence	Fact and Supporting Evidence
3	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez	
4	Dep. 59:21-25.	
5	104. Vazquez did not ask Plaintiff if	
6	she needed medical attention nor did he	
7	call medical attention for her.	
8	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez	
9	Dep. 43:9-13.	
10	105. Plaintiff told Vazquez "Don't hurt	
11	him" and "Don't shoot him" a few times.	
12	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez	
13	Dep. 42:1-11.	
14	106. At around the time Plaintiff told	
15	Vazquez, "Don't hurt him" or "Don't	
16	shoot him," Vazquez saw Chin.	
17	<i>Evidence:</i> Vazquez 43:14-18.	
18	107. Vazquez first saw Chin in	
19	Crooked Creek, facing houses, and there	
20	did not appear to be any people around.	
21	<i>Evidence:</i> Vazquez 24:11-15, 61:20-21.	
22	108. Vazquez observed that Chin was	
23	wearing a vest and had a rifle slung over	
24	his right side.	
25	<i>Evidence:</i> Vazquez 24:23-25:1.	
26	109. Vazquez decided to get his	
27	County-issued patrol shotgun.	
28	<i>Evidence:</i> Vazquez 15:5-12, 43:19-21.	
	110. Vazquez's shotgun is a pump	
	shotgun that requires the user the pump	

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Moving Party’s Uncontroverted Facts and Supporting Evidence	Opposing Party’s Response to Cited Fact and Supporting Evidence
the shotgun to eject a casing and load the next round. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 66:2-11.	
111. A casing is ejected from the shotgun after a shot has occurred, in order to load the next round. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 66:12-67:1.	
112. Vazquez then observed Chin walk eastbound towards Diamond Bar Boulevard. <i>Evidence:</i> Vazquez 25:13-26:6.	
113. Chin walked approximately half a block with the rifle slung over his right side the entire time before he got to Diamond Bar Boulevard. <i>Evidence:</i> Vazquez 26:16-22.	
114. When Chin reached Diamond Bar Boulevard, he made a turn and proceeded northbound <i>Evidence:</i> Vazquez 26:10-15.	
115. Chin walked a northbound on Diamond Bar Boulevard a very minimal amount—approximately 20 to 30 feet. <i>Evidence:</i> Vazquez 27:13-15.	
116. Chin was walking at a slow, steady pace on Diamond Bar Boulevard.	

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Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 62:20-23; Ex. 2 to Le Decl., Vazquez BWC at 5:02-5:34.	
117. Vazquez conceded that he could not shoot Chin for simply walking away. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 30:1-4.	
118. Vazquez conceded that based on his training and the totality of the circumstances, he could not shoot Chin as a fleeing felon and could only shoot him if Chin posed an immediate or imminent threat of death or serious bodily injury. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 30:5-22.	
119. Vazquez told Bronowicki to pull up with his vehicle so that he could continue to provide cover to Vazquez and Bronowicki complied. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 62:24-63:7.	
120. One of the reasons Vazquez wanted the other deputy to bring the car up was to provide Vazquez with cover. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 48:2-5.	
121. Vazquez then left cover ran on foot away from Bronowicki's vehicle, towards the north sidewalk of Crooked Creek.	

Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
<p><i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 63:8-12.</p>	
<p>122. Barajas was driving southbound on Diamond Bar Boulevard before she saw Chin and stopped her car and got out when she saw him.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 22:20-23.</p>	
<p>123. Chin was walking northbound on the southbound lane of Diamond Bar Boulevard.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 20:2-16.</p>	
<p>124. Chin was in the number one southbound lane on Diamond Bar Boulevard when Barajas encountered him.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 20:2-6, 50:25-51:1.</p>	
<p>125. Barajas stopped her vehicle in the number two lane of the three southbound lanes of Diamond Bar Boulevard.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 51:3-8; Ex. 2 to Le Decl., Vazquez BWC at 5:19.</p>	
<p>126. Barajas experienced additional panic when she saw Chin.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 42:19-21.</p>	

Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
<p>127. Barajas observed a firearm in a slung manner on Chin's right side.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 36:20-22.</p>	
<p>128. Barajas observed that the barrel of the gun on Chin was pointed down.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 36:23-37:2.</p>	
<p>129. Barajas claims she exited her vehicle as soon as she saw Chin.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 22:3-6.</p>	
<p>130. There is no cross street near where Barajas got out; it was just a long street.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 22:22-23:6.</p>	
<p>131. Barajas started to panic as Chin began walking in her direction.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 47:9-11.</p>	
<p>132. Chin had a blank stare on his face.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 59:6-8.</p>	
<u>The Deputies Use Excessive and Unreasonable Deadly Force Against Decedent</u>	
<p>133. Barajas fired the first shot.</p>	

1	Moving Party's Uncontroverted Facts	Opposing Party's Response to Cited
2	and Supporting Evidence	Fact and Supporting Evidence
3	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas	
4	Dep. 27:16-18, 56:7-12.	
5	134. Chin was walking northbound on	
6	Diamond Bar Boulevard at the time of	
7	the first shot.	
8	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez	
9	Dep. 28:7- 12.	
10	135. Barajas was positioned behind her	
11	driver's side door when she fired her	
12	first shot.	
13	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas	
14	Dep. 23:17-23.	
15	136. Chin was approximately 20 to 25	
16	feet from Barajas's patrol vehicle when	
17	she fired her first shot.	
18	<i>Evidence:</i> Ex. 2 to Le Decl., Vazquez	
19	BWC at 11:45:04-11:45:06.	
20	137. Barajas was aiming towards	
21	Chin's waistline when she fired her first	
22	shot because she was trying to aim at a	
23	part that was not covered by the vest he	
24	was wearing.	
25	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas	
26	Dep. 26:15-27:12.	
27	138. The gun on Chin was pointed	
28	down when Barajas fired her first shot.	
	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas	
	Dep. 37:3-5.	
	139. Vazquez conceded that based on	
	his training, he could not shoot Chin for	

1	Moving Party's Uncontroverted Facts	Opposing Party's Response to Cited
2	and Supporting Evidence	Fact and Supporting Evidence
3	walking away at the time he heard the	
4	first shot because there was not enough	
5	to justify the use of deadly force as Chin	
6	had only fired rounds in the air and	
7	Vazquez did not know the extent of the	
8	assault Chin had previously committed.	
9	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez	
10	Dep. 28:17-29:25.	
11	140. Vazquez thought Chin possibly	
12	had been struck by the first shot but was	
13	not sure.	
14	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez	
15	Dep. 22:24-23:1.	
16	141. Vazquez observed Chin flinch by	
17	bending forward slightly before coming	
18	back up at the time of the first shot.	
19	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez	
20	Dep. 22:4-21.	
21	142. Other than a few cars on Diamond	
22	Bar, there was nobody outside.	
23	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez	
24	Dep. 62:17-19.	
25	143. After Barajas' first shot, she	
26	started panicking even more.	
27	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas	
28	Dep. 48:10-16.	
	144. Chin's right arm was positioned at	
	an angle with his upper arm angling	
	towards his back, his elbow behind his	
	back, and his forearm angling toward his	

1 Moving Party's Uncontroverted Facts 2 and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
<p>3 front the entire time he was walking 4 down Diamond Bar Boulevard.</p> <p>5 <i>Evidence:</i> Ex. 2 to Le Decl., Vazquez 6 BWC at 11:44:49-11:45:10; Ex 3 to Le 7 Decl., Vazquez Dep. Ex. 1 Screenshot; 8 Ex. 4 to Le Decl., Vazquez Dep. Ex. 2 9 Screenshot; Ex. 5 to Le Decl., Vazquez 10 Dep. Ex. 3 Screenshot; Ex. 6 to Le 11 Decl., Vazquez Dep. Ex. 4 Screenshot.</p>	
<p>12 145. Approximately six seconds after 13 Barajas' first shot, Vazquez discharged 14 his shotgun at Chin.</p> <p>15 <i>Evidence:</i> Ex. 2 to Le Decl., Vazquez 16 BWC at 11:45:03-11:45:11; Ex. 11 to Le 17 Decl., Barajas BWC at 11:45:04- 18 11:45:10.</p>	
<p>19 146. After Barajas's first shot, Chin 20 took four small, slow steps forward 21 before Vazquez's first shot, followed 22 immediately by Barajas's second shot.</p> <p>23 <i>Evidence:</i> Ex. 2 to Le Decl., Vazquez 24 BWC at 11:45:03-11:45:12.</p>	
<p>25 147. Vazquez was 30 to 40 feet from 26 Chin at the time he fired.</p> <p>27 <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez 28 Dep. 16:11-13.</p>	
<p>1 148. At the time of Vazquez's first 2 shot, Chin was facing northbound.</p> <p>3 <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez 4 Dep. 32:4-7; Ex. 2 to Le Decl., Vazquez 5 BWC at 11:45:10.</p>	

Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
<p>149. Vazquez could tell that his first shot struck the middle left, rear area of Chin's vest.</p> <p><i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 31:2-6, 31:16-32:3.</p>	
<p>150. When Vazquez fired his first shot, he was aiming at the left side of Chin's torso.</p> <p><i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 18:10-15.</p>	
<p>151. Vazquez was able to see Chin's back at the time of Vazquez's first shot.</p> <p><i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 19:19-21; Ex. 2 to Le Decl., Vazquez BWC at 11:45:10.</p>	
<p>152. At the time of Vazquez's first shot, Chin was facing northbound and Vazquez was firing in a slightly northeast direction</p> <p><i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 19:4-13; Ex. 2 to Le Decl., Vazquez BWC at 11:45:10.</p>	
<p>153. Chin's right arm did not change positions from when he started walking northbound on Diamond Bar Boulevard to the time of Vazquez's first shot.</p> <p><i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:44:49-11:45:11; Ex. 3 to Le Decl., Vasquez Dep. Ex. 1 Screenshot; Ex. 4 to Le Decl., Vasquez Dep. Ex. 2 Screenshot; Ex. 5 to Le Decl., Vasquez</p>	

Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
Dep. Ex. 3 Screenshot Dep.; Ex. 6 to Le Decl., Vasquez Dep. Ex. 4 Screenshot.	
<p>154. Barajas fired an additional shot immediately after Vazquez's first shot.</p> <p><i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:45:9-11:45:12; Ex. 11 to Le Decl., Barajas BWC at 11:45:10-11:45:13.</p>	
<p>155. Barajas fired her second shot approximately seven seconds after her first shot.</p> <p><i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:45:03-11:45:12; Ex. 11 to Le Decl., Barajas BWC at 11:45:04-11:45:13.</p>	
<p>156. Barajas fired a third shot approximately two seconds after her second shot.</p> <p><i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:45:10-11:45:14; Ex. 11 to Le Decl., Barajas BWC at 11:45:10-11:45:15.</p>	
<p>157. The gun on Chin was pointed down when Barajas fired additional shots.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 37:6-8.</p>	
158. At all times while Barajas and Vazquez were on scene, Chin never pointed the firearm at anyone.	

Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
<i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 38:2-6.	
<p>159. At all times while Barajas and Vazquez were on scene, Chin never raised the firearm towards anyone.</p> <p><i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:44:57-11:45:16; Ex. 10 to Le Decl., Barajas Dep. 38:7-9.</p>	
<p>160. Barajas never saw Chin holding the firearm with both hands.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 38:10-13.</p>	
<p>161. At all times while Barajas and Vazquez were on scene, Chin never manipulated the firearm.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 36:13-15.</p>	
<p>162. The gun was within reach of Chin but Barajas never saw Chin touch the gun.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 59:9-14.</p>	
<p>163. Barajas never heard Chin say anything.</p> <p><i>Evidence:</i> Ex. 10 to Le Decl., Barajas Dep. 35:24-36:1.</p>	
<p>164. Vazquez never heard Chin say anything at any time.</p>	

1	Moving Party's Uncontroverted Facts	Opposing Party's Response to Cited
2	and Supporting Evidence	Fact and Supporting Evidence
3	<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez	
4	Dep. 40:12-14.	
5	165. Barajas could tell that other shots	
6	were coming from her right side and she	
7	knew that there was another deputy	
8	positioned to her right.	
9	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas	
10	Dep. 28:19-29:15.	
11	166. Barajas saw Chin react to the	
12	gunshots in between Barajas' shots and	
13	Deputy Vazquez's shot.	
14	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas	
15	Dep. 31:14-32:1.	
16	167. Barajas observed Chin's posture	
17	bend slightly forward and he was no	
18	longer upright.	
19	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas	
20	Dep. 32:2-9; Ex. 2 to Le Decl., Vazquez	
21	BWC at 11:45:11-11:45:15; Ex. 11 to Le	
22	Decl., Barajas BWC at 11:45:11-11:45-	
23	17.	
24	168. Chin was going to the ground in a	
25	slow manner.	
26	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas	
27	Dep. 40:22-24; Ex. 2 to Le Decl.,	
28	Vazquez BWC at 11:45:11-11:45:15;	
	Ex. 11 to Le Decl., Barajas BWC at	
	11:45:11-11:45-17.	
	169. Barajas recalls observing shot(s)	
	fired after Chin's posture bent slightly	
	forward.	

1	Moving Party's Uncontroverted Facts	Opposing Party's Response to Cited
2	and Supporting Evidence	Fact and Supporting Evidence
3	<i>Evidence:</i> Ex. 10 to Le Decl., Barajas	
4	Dep. 32:10-17; Ex. 2 to Le Decl.,	
5	Vazquez BWC at 11:45:14-11:45:16;	
6	Ex. 11 to Le Decl., Barajas BWC at	
7	11:45:14-11:45:16.	
8	170. Barajas never gave Chin	
9	commands to stop walking, to not	
10	advance towards her or the other vehicle	
11	on the road, or to get down on the	
12	ground.	
13	<i>Evidence:</i> Ex. 11 to Le Decl., Barajas	
14	BWC at 11:44:25-11:45:18.	
15	171. Barajas never gave Chin a	
16	warning that she was prepared to use	
17	deadly force if Chin did not comply with	
18	her commands before any of her shots.	
19	<i>Evidence:</i> Ex. 11 to Le Decl., Barajas	
20	BWC at 11:44:25-11:45:18.	
21	172. Chin was facing northbound and	
22	was not rotating towards Vazquez at the	
23	time of Vazquez's second shot.	
24	<i>Evidence:</i> Ex. 2 to Le Decl., Vazquez	
25	BWC at 11:45:13-11:45:16; Ex. 7 to LE	
26	Decl., Vazquez Dep. Ex. 5 Screenshot;	
27	Ex. 8 to Le Decl., Vazquez Dep. Ex. 6	
28	Screenshot; Ex. 9 to Le Decl., Vazquez	
	Dep. Ex. 7 Screenshot; Ex. 11 to Le	
	Decl., Barajas BWC at 11:45:13-	
	11:45:17; Ex. 12 to Le Decl., Barajas	
	Dep. Ex. 13 Screenshot.	
	173. Vazquez fired his second shot	
	approximately five seconds after he fired	
	his first shot.	

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Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
<i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:45:09-11:45:16.	
174. At the time Vazquez fired from his shotgun, he did not have any cover. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 44:16-21.	
175. The fact that Vazquez did not have cover was a factor in his decision to fire his second shot. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 44:25-45:12.	
176. Chin went to the ground soon after Vazquez's second shot. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 41:2-5.	
177. After Vazquez's second shot, Chin fell onto his back, with his face looking upwards towards the sky. <i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:45:14-11:45:30.	
178. Chin fell to the ground approximately 15 to 20 feet from Barajas's vehicle. <i>Evidence:</i> Ex. 2 to Le Decl., Vazquez BWC at 11:45:14-11:45:30; Ex. 11 to Le Decl., Barajas BWC at 11:47:06-11:47:08.	
179. Vazquez got the impression that his second shot struck Chin.	

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Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
<i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 40:19-41:1.	
180. Vazquez did not hear any shots immediately after his shooting sequence. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 41:9-12.	
181. At 11:45:14 on Vazquez's bodyworn camera video, Chin is slightly bent over and facing northbound. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 73:21-74:4; Ex. 7 to Le Decl., Vazquez. Dep. Ex. 5; Ex. 8 to Le Decl., Vazquez Dep. Ex. 6.	
182. At 11:45:13 on Barajas's bodyworn camera video, a couple of shots have already gone off and Chin is facing north. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 78:13-79:5.	
183. At 11:45:15 on Barajas's bodyworn camera, Chin is somewhat bent or canted forward and he is still facing north. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 79:20-80:5; Ex. 12 to Le Decl., Barajas Dep. Ex. 13.	
184. Vazquez never gave Chin any commands to stop walking or to get on the ground.	

1	Moving Party's Uncontroverted Facts	Opposing Party's Response to Cited
2	and Supporting Evidence	Fact and Supporting Evidence
3	<i>Evidence:</i> Ex. 2 to Le Decl., Vazquez	
4	BWC at 11:41:56-11:45:19.	
5	185. Vazquez never gave Chin a	
6	warning that he was prepared to use	
7	deadly force if Chin did not comply with	
8	his command before either of Vazquez's	
9	shots.	
10	<i>Evidence:</i> Ex. 2 to Le Decl., Vazquez	
11	BWC at 11:41:56-11:45:19.	
12	186. No officer on scene ever gave	
13	Chin commands to stop walking, to not	
14	advance towards them, or to get on the	
15	ground.	
16	<i>Evidence:</i> Ex. 2 to Le Decl., Vazquez	
17	BWC at 11:41:56-11:45:19; Ex. 11 to Le	
18	Decl., Barajas BWC at 11:44:25-	
19	11:45:18.	
20	187. No officer on scene ever gave	
21	Chin a warning that deadly force would	
22	be used if Chin did not comply with their	
23	commands.	
24	<i>Evidence:</i> Ex. 2 to Le Decl., Vazquez	
25	BWC at 11:41:56-11:45:19; Ex. 11 to Le	
26	Decl., Barajas BWC at 11:44:25-	
27	11:45:18.	
28	188. Vazquez conceded that had	
	Decedent just been walking northbound	
	with the rifle slung around his neck,	
	pointed down, and had not grabbed the	
	rifle, raised the rifle, or turned towards	
	Vazquez with the rifle, it would have	
	been inappropriate to shoot based on his	
	training and he would have let the	

Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
situation play out and try to deescalate the situation further. <i>Evidence:</i> Ex. 1 to Le Decl., Vazquez Dep. 45:15-46:4.	
189. Chin sustained gunshot wounds to the front of his body just above his pubic region and lower back. <i>Evidence:</i> Ex. 14 to Le Decl., Gliniecki Dep. 7:5-15, 7:21-25, 10:13-17.	
190. The gunshot wound to the front of the Chin's body above his pubic region had a trajectory of left to right, front to back, and downwards. <i>Evidence:</i> Ex. 14 to Le Decl., Gliniecki Dep. 8:12-15.	
191. The gunshot wound to the lower back, which was close to the middle of the back, had a trajectory of left to right, back to front, and 45-degree angle upwards. <i>Evidence:</i> Ex. 14 to Le Decl., Gliniecki Dep. 10:13-11:6, 12:12-21	
192. The trajectory of the gunshot wound to the middle of the lower back is consistent Chin being bent forward at the waist and the shooter at Chin's back. <i>Evidence:</i> Ex. 14 to Le Decl., Gliniecki Dep. 12:22-13:4.	

1	Moving Party’s Uncontroverted Facts	Opposing Party’s Response to Cited
2	and Supporting Evidence	Fact and Supporting Evidence
3	193. The gunshot wound that entered	
4	the middle of the lower back was	
5	determined to be fatal.	
6	<i>Evidence:</i> Ex. 14 to Le Decl., Gliniecki	
7	Dep. 13:5-10, 14:1-4.	
8	<u>The Deputies’ Use of Deadly Force Against Decedent Violated Standard Police Practices and Training</u>	
9	194. Officers are trained that there	
10	must be objective factors to justify an	
11	immediate threat and that a simple	
12	statement by an officer that he or she	
13	fears for his or her safety or the safety of	
14	others is insufficient.	
15	<i>Evidence:</i> Noble Decl. ¶ 12.	
16	195. Officers are trained that to use	
17	deadly force, the threat of death or	
18	serious bodily injury must be immediate	
19	or imminent.	
20	<i>Evidence:</i> Noble Decl. ¶ 13; Ex. 1 to Le	
21	Decl. Vazquez Dep. 50:12-16.	
22	196. Officers are trained that a threat of	
23	death or serious bodily injury is	
24	“imminent” when, based on the totality	
25	of the circumstances known to the	
26	officer, a reasonable officer in the same	
27	situation would believe that a person has	
28	the present ability, opportunity, and	
	apparent intent to immediately cause	
	serious bodily injury to the peace officer	
	or another person.	
	<i>Evidence:</i> Noble Decl. ¶ 13; Ex. 1 to Le	
	Decl., Vazquez Dep. 51:17-22.	

1 Moving Party's Uncontroverted Facts 2 and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
<p>3 197. Officers are trained that an</p> <p>4 imminent harm is not merely a fear of</p> <p>5 future harm, no matter how great the fear</p> <p>6 and no matter how great the likelihood</p> <p>7 of the harm, but one that, from</p> <p>8 appearances, must be instantly</p> <p>9 confronted and addressed.</p> <p>10 <i>Evidence:</i> Noble Decl. ¶ 13.</p>	
<p>11 198. Officers are trained to control</p> <p>12 their emotions and to not panic when</p> <p>13 encountering situations similar this</p> <p>14 incident.</p> <p>15 <i>Evidence:</i> Noble Decl. ¶ 15.</p>	
<p>16 199. Officers are trained that their</p> <p>17 subjective fear cannot be a justification</p> <p>18 for the use of deadly force and that their</p> <p>19 must be objective facts that show that</p> <p>20 the subject posed an immediate or</p> <p>21 imminent threat of death or serious</p> <p>22 bodily injury at the time of the use of</p> <p>23 deadly force.</p> <p>24 <i>Evidence:</i> Noble Decl. ¶ 15; Ex. 1 to Le</p> <p>25 Decl., Vazquez Dep. 67:2-4.</p>	
<p>26 200. Officers are trained that an</p> <p>27 overreaction in using force is excessive</p> <p>28 force.</p> <p><i>Evidence:</i> Noble Decl. ¶ 15.</p>	
<p>201. Officers are trained that deadly</p> <p>force is a last resort that should only be</p> <p>used in an immediate defense of life</p> <p>situation and when no other reasonable</p> <p>alternatives are available.</p>	

Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
<p><i>Evidence:</i> Noble Decl. ¶ 17; Ex. 1 to Le Decl., Vazquez Dep. 50:20-23.</p>	
<p>202. Officers are trained that they cannot shoot a person who they suspect or believe to have committed a violent felony simply for fleeing, unless the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.</p> <p><i>Evidence:</i> Noble Decl. ¶ 16.</p>	
<p>203. Under the facts of this case, deadly force would not be justified against Mr. Chin for his simple act of walking away from officers and the information known to the officers at the time is insufficient to justify the use of deadly force against Mr. Chin for walking away.</p> <p><i>Evidence:</i> Noble Decl. ¶ 16.</p>	
<p>204. Detective Vazquez violated standard police practices and training when he left available cover to follow Mr. Chin onto Diamond Bar Boulevard and his tactically inappropriate decision to leave cover contributed to his later use of deadly force against Mr. Chin, as evidenced by Detective Vazquez's testimony that being without cover was a factor in his decision to shoot at Mr. Chin.</p> <p><i>Evidence:</i> Noble Decl. ¶ 19.</p>	

Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
<p>205. Deputy Barajas's first shot at Mr. Chin violated standard police practices and training and a reasonably trained officer in Deputy Barajas's position would not have believed that Mr. Chin posed an immediate or imminent threat of death or serious bodily injury at the time of Deputy Barajas's first shot and would not have shot at all.</p> <p><i>Evidence:</i> Noble Decl. ¶ 20.</p>	
<p>206. Detective Vazquez's first shot at Mr. Chin violated standard police practices and training and a reasonably trained officer in Detective Vazquez's position, acting pursuant to standard police practices and training, would have been aware of Mr. Chin's body and arm positioning throughout the encounter and would not have believed that Mr. Chin posed an immediate threat of death or serious bodily injury at the time of Detective Vazquez's first shot and would not have shot at all.</p> <p><i>Evidence:</i> Noble Decl. ¶ 21.</p>	
<p>207. Approximately six seconds elapsed between Deputy Barajas's first shot and Detective Vazquez's first shot, which is sufficient time for Detective Vazquez to evaluate to situation and see that Mr. Chin was not making any threatening or furtive movement prior to Detective Vazquez's first shot.</p> <p><i>Evidence:</i> Noble Decl. ¶ 21.</p>	

1	Moving Party's Uncontroverted Facts	Opposing Party's Response to Cited
2	and Supporting Evidence	Fact and Supporting Evidence
3	208. Deputy Barajas fired her second	
4	shot approximately seven seconds after	
5	her first shot, which is sufficient time for	
6	Deputy Barajas to reevaluate the	
7	situation.	
8	<i>Evidence:</i> Noble Decl. ¶ 22.	
9	209. Deputy Barajas's second shot at	
10	Mr. Chin violated standard police	
11	practices and training and a reasonably	
12	trained officer in Deputy Barajas's	
13	position would not have believed that	
14	Mr. Chin posed an immediate or	
15	imminent threat of death or serious	
16	bodily injury at the time of Deputy	
17	Barajas's second shot and would not	
18	have shot at all.	
19	<i>Evidence:</i> Noble Decl. ¶ 22.	
20	210. Deputy Barajas fired her third	
21	shot approximately two seconds after her	
22	second shot, which is sufficient time to	
23	allow Deputy Barajas to reevaluate the	
24	situation.	
25	<i>Evidence:</i> Noble Decl. ¶ 23.	
26	211. Deputy Barajas's third shot at Mr.	
27	Chin violated standard police practices	
28	and training and a reasonably trained	
	officer in Deputy Barajas's position	
	would not have believed that Mr. Chin	
	posed an immediate or imminent threat	
	of death or serious bodily injury at the	
	time of Deputy Barajas's third shot and	
	would not have shot at all.	
	<i>Evidence:</i> Noble Decl. ¶ 23.	

1 Moving Party's Uncontroverted Facts 2 and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
<p>3 212. Detective Vazquez's second shot</p> <p>4 violated standard police practices and</p> <p>5 training and a reasonably trained officer</p> <p>6 in Detective Vazquez's position, acting</p> <p>7 pursuant to standard police practices and</p> <p>8 training, would not have believed that</p> <p>9 Mr. Chin posed an immediate threat of</p> <p>10 death or serious bodily injury at the time</p> <p>11 of Detective Vazquez's second shot and</p> <p>12 would not have shot at all, particularly</p> <p>13 since Mr. Chin had already been shot,</p> <p>14 was bent over at the waist, and was not</p> <p>15 holding the firearm or turned towards</p> <p>16 Detective Vazquez (as can be seen in the</p> <p>17 videos).</p> <p>18 <i>Evidence:</i> Noble Decl. ¶ 24.</p>	
<p>15 213. Police officers are trained that</p> <p>16 they should give a warning that they are</p> <p>17 prepared to use deadly force, when</p> <p>18 feasible.</p> <p>19 <i>Evidence:</i> Noble Decl. ¶ 25; Ex. 1 to Le</p> <p>20 Decl., Vazquez Dep. 50:17-19.</p>	
<p>21 214. Detective Vazquez and Deputy</p> <p>22 Barajas violated standard police</p> <p>23 practices and training when they failed</p> <p>24 to give Mr. Chin a warning that they</p> <p>25 were prepared to use deadly force</p> <p>26 despite it being feasible to do so.</p> <p>27 <i>Evidence:</i> Noble Decl. ¶ 25.</p>	
<p>28 215. The deputies had other reasonable</p> <p>alternatives available to them to take Mr.</p> <p>Chin into custody at the time of the</p> <p>shooting.</p>	

Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
<i>Evidence:</i> Noble Decl. ¶ 26.	
216. The deputies had the time and opportunity to deescalate further by setting up a perimeter, as other units were on scene and on their way, and could have utilized less-lethal force, such as the 40mm, the beanbag shotgun, or the Taser in order to gain compliance. <i>Evidence:</i> Noble Decl. ¶ 26.	